



Order under Section 78(6)
Residential Tenancies Act, 2006

File Number: CEL-02692-21

In the matter of: 502, 53 MCMURCHY AVENUE N
BRAMPTON ON L6X1X8

Between: McQueen Investments Ltd. C/o Bre-Marc
Management Limited

Landlord

and

Janessa Cockburn
Jessica Cockburn

Tenants

McQueen Investments Ltd. C/o Bre-Marc Management Limited (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Cockburn and Janessa Cockburn (the 'Tenants') and for an order to have the Tenants pay the rent they owe because the Tenants failed to meet a condition specified in the order issued by the Board on July 5, 2021 with respect to application CEL-97986-21.

Determinations:

1. The order provided that the Landlord could apply to the Board under section 78 of the *Residential Tenancies Act, 2006* (the 'Act') without notice to the Tenants to terminate the tenancy and evict the Tenants if the Tenants did not meet certain conditions specified in the order.
2. I find that the Tenants have not met the following condition specified in the order: The Tenants failed to pay \$3,300.00 (\$1,650.00 towards arrears and \$1,650.00 for August rent) on or before August 31, 2021.
3. The previous application included a request for an order for the payment of arrears of rent. The resulting order required the Tenants to pay rent or some or all of the arrears of rent. Accordingly, in addition to eviction, the Landlord is entitled to request an order for the payment of arrears of rent and compensation.
4. The Tenants were ordered to pay \$3,286.00 for rent arrears and the costs related to the Landlord's application fee in Order CEL-97986-21. The amount that is still owing from that order is \$2,836.00 and that amount is included in this order. As a result, the previous order CEL-97986-21 is cancelled.
5. Since the date of the order, the Tenants have failed to pay the full rent that became owing for the period from August 1, 2021 to September 30, 2021.

6. The Landlord collected a rent deposit of \$1,650.00 from the Tenants and this deposit is still being held by the Landlord.
7. Interest on the rent deposit has been paid to the Tenant up to December 31, 2020.

It is ordered that:

1. Order CEL-97986-21 is cancelled.
2. The tenancy between the Landlord and the Tenants is terminated. The Tenants must move out of the rental unit on or before October 5, 2021.
3. The Tenants shall pay to the Landlord \$4,138.00*. This amount represents the rent owing up to September 24, 2021 and the costs related to the application fee for the previous application, less the rent deposit.
4. The Tenants shall also pay to the Landlord \$54.25 per day for compensation for the use of the unit starting September 25, 2021 to the date the Tenants move out of the unit.
5. If the Tenants do not pay the Landlord the full amount owing* on or before October 5, 2021, the Tenants will start to owe interest. This will be simple interest calculated from October 6, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before October 5, 2021, then starting October 6, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after October 6, 2021.

September 24, 2021

Date Issued

Central-RO
3 Robert Speck Pkwy, 5th Floor
Mississauga ON L4Z2G5



Jim McMaster

Member, Landlord and Tenant Board

The tenant has until October 4, 2021 to file a motion with the Board to set aside the order under s. 78(9) of the Act. If the tenant files the motion by October 4, 2021 the order will be stayed and the Board will schedule a hearing.

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on April 6, 2022 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.

* Refer to the attached Summary of Calculations.

Summary of Calculations

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Amount the Tenant must pay the Landlord:

Reason for amount owing	Period	Amount
Amount owing from previous order: up to June 30, 2021		\$2,836.00
New rent owing: up to the date of this order	August 1, 2021 to September 24, 2021	\$2,952.00
Less the rent deposit:		-\$1,650.00
Plus daily compensation owing for each day of occupation starting September 25, 2021		\$54.25 (per day)

Total the Tenants must pay the Landlord:	\$4,138.00, + \$54.25 per day starting September 25, 2021
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